THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 108 of 1998

Dated: 04.04.2007

Between:

T. Subba Rao

... Petitioner

AND

The Director of School Education, A.P.,
Nampally, Hyderabad & others.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 108 of 1998

ORDER:-

This writ petition is filed for a writ of mandamus to treat the post of Hindi Pandit Grade-II as having been upgraded to that of Hindi Pandit Grade-I with effect from the year 1968-69 and to treat the petitioner as having been upgraded to that post with all consequential benefits such as pay and allowance, fixation of pay, seniority etc.

Without going into the merits of the case, this writ petition is liable to be dismissed only on the ground of laches.

From the Annexure-III filed by the petitioner, which is a representation made by him to the Director of School Education, it is clear that he was promoted to Grade-I Hindi Pandit in the year 1976. His grievance is that in terms of G.O.Ms.No.1676, Education, dated 07.07.1966, he should have been promoted as Grade-I Hindi Pandit right from 1968-69 when the school was recognized as full blown high school and that he is entitled to that benefit under the said G.O.

The petitioner failed to offer any explanation whatsoever for

the inordinate delay of 21 years in filing the present writ, though as far back the year 1976 when he was given promotion to Grade-I Hindi Pandit, he was aware that promotion was not given with retrospective effect. The law is well settled that delay defeats the right of the party. (**Bhoop Singh v Union of India**[1]).

Inordinate and unexplained delay is by itself a ground to refuse relief to the petitioner irrespective of the merit of his claim. To the similar effect are the judgments of the Supreme Court in **Amrit Lal Berry v Collector of Central Excise, New Delhi**[2], **B.V. Sivaiah v K. Addankt Babu**[3], **Printers (Mysore) Limited v M.A. Raseed**[4] and **Karnataka Power Corporation Limited v K. Thangappan**[5].

In view of the long unexplained delay in filing this writ petition, I am of the view that the writ petition is liable to be dismissed on the ground of delay without going into the merits of the case.

The writ petition is accordingly dismissed. No costs.

C.V. NAGARJUNA REDDY, J

Date: 04.04.2007
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[1] (1992) 3 SCC 136
[2] (1975) 4 SCC 714
[3] (1998) 6 SCC 720

[4] (2004) 4 SCC 460

[5] (2006) 4 SCC 322